

Town of Lancaster

TOWN PLANNING BOARD

21 Central Avenue

Lancaster, New York 14086

March 2, 2022

Planning Board Members:

Neil Connelly, Chairman

Rebecca Anderson

John Copas

Anthony Gorski

Joseph Keefe

Stanley Jay Keysa III

Lawrence Korzeniewski

Town Board Members:

Ronald Ruffino, Sr., Supervisor

Mark Burkard

Adam Dickman

Robert Leary

David Mazur

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Thomas E. Fowler, Jr.

Town Highway Superintendent:

John Pilato

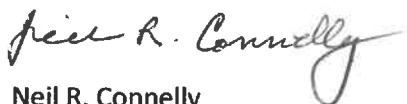
Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held March 2, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

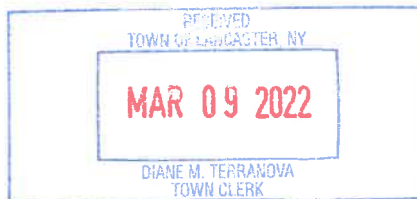
Sincerely yours,



Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.



A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 2nd day of March 2022 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
 Rebecca Anderson, Member
 Anthony Gorski, Member
 Joseph Keefe, Member
 Stanley Jay Keysa III, Member
 Lawrence Korzeniewski, Member

EXCUSED: None

ABSENT: John Copas, Member

ALSO PRESENT: None

Town Board Members: Councilman Dave Mazur

Other Elected Officials: None

Town Staff: Thomas E. Fowler, Jr., Town Attorney
 Ed Schiller of Wm. Schutt & Assoc.
 Matt Fischione, Code Enforcement Officer

TOWN OF LANCASTER PLANNING BOARD COMMUNICATIONS 3.02.22

- 3.02.01 Notice of Public Hearing for the rezone petition at 338 Harris Hill Rd., to be held 3/07/22 at 7:15 P.M.
- 3.02.02 Notice of Public Hearing for 5051 Transit Rd. for a Special Use Permit, to be held 3/07/22 at 7:15 P.M.
- 3.02.03 Copy of resolution adopted by the Town Board on 2/14/22 approving site plan for Adams Farms / Nursery at 5799 Genesee St.
- 3.02.04 SEQR response dated 2/22/22 from the Erie County DPW regarding Cross Creek.
- 3.02.05 Email and response between Keith Anderson and Matt Fischione, Code Enforcement Officer, discussing Anderson's frustration with the process.
- 3.02.06 Information received by the Building Department that Belmont Housing will hold an informational meeting on March 1 at Al-E-Oops Restaurant between 6 and 7:30 P.M.
- 3.02.07 Notice from the Town Attorney's Office that the Public Hearing for Cross Creek Phase 9 can not be held until April 6, 2022.
- 3.02.08 Letter dated 2/28/22 from Ed Schiller, Town Engineer, with comments regarding 5807 Broadway.
- 3.02.09 Letter dated 2/28/22 from Ed Schiller, Town Engineer, with comments regarding 5860 Broadway.
- 3.02.10 Letter dated 2/28/22 from Ed Schiller, Town Engineer, with comments regarding 5827 Broadway.
- 3.02.11 Letter dated 2/03/22 from Matt Fischione, Code Enforcement Officer, with comments regarding the proposed Dollar General, 5807 Broadway.
- 3.02.12 Letter dated 2/22/22 from the Lancaster Police Department indicating no issues with project #1143.
- 3.02.13 Letter dated 2/25/22 from Matt Fischione, Code Enforcement Officer, with comments regarding the Site Plan Review for 4781 Transit Rd.
- 3.02.14 Letter dated 2/04/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 5827 Broadway, at Bowen.
- 3.02.15 Letter dated 2/10/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 5680 Broadway, Plumb Creek Apatments.

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Minutes from the February 2, 2022 Planning Board meeting have still not been received by the members so those minutes have still not been finalized for acceptance.

Minutes-A motion was made by Anthony Gorski to approve the minutes from the February 16, 2022 Planning Board Meeting. Motion seconded by Stanley Keysa.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

Motion made by Chair Connelly to change the Public Hearing date for Cross Creek Phase 9 to April 6, 2022 at 7:05p.m. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

There is a training webinar available on March 6, 2022 at 11a.m. on AG Districts.

SITE PLAN REVIEW – PROJECT #2102, NEW RETAIL STORE, S.B.L. #116.31-3-57.211 LOCATED AT 5807 BROADWAY (US ROUTE 20). REDEVELOPMENT OF PROPERTY TO CONSTRUCT A 10,640 SQ FT. FREE-STANDING, SINGLE-TENANT RETAIL STORE. THE PROPOSAL INCLUDES PARKING, LANDSCAPING, STORMWATER MANAGEMENT FACILITIES, EXTERIOR LIGHTING AND CONNECTION TO PUBLIC UTILITIES.

Tara Mathias, Development Manager, presented a plan for a Dollar General store.

The site will include a privacy fence, will retain 5 of the trees and add further landscaping. There are 35 parking spaces which means a variance is required. Member Anderson questioned the design of the building and why it couldn't be more like the one on Southwestern. Ms. Mathias responded that the design is based on budgeting and the requirements of the municipality zoning code. Code Enforcement Officer Matt Fischione has recommended a 33-COM form be submitted to the state DOT to avoid future delays.

DETERMINATION

A motion was made by Chair Connelly to table the project to a future Planning Board meeting (hopefully April 20, 2022). Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas- Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

SITE PLAN REVIEW – PROJECT #2210 BROADWAY AND BOWEN DEVELOPMENT, S.B.L. 116.31-1-3 LOCATED AT 5827 BROADWAY (US ROUTE 20). MOTEL AND MIXED USE FACILITY, COMMERCIAL SPACE AND COFFEE SHOP ON FIRST FLOOR.

Lucas James noted the site is the old Desiderio's location. The proposed building would have two hotel units on the first floor and 6 units on the second floor. The motel would be "high end" rental units with customers perhaps going through VRBO. The dumpster would be screened. The coffee shop "boutique" would have a drive-thru. A stormwater prevention plan will be required as the property has been demolished and reuse triggers this permit. Two setback variances will be required for relief of side yard requirements. A 33-COM form is also recommended for this project.

DETERMINATION

A motion was made by Chair Connelly to table this project until a future meeting. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas- Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

SITE PLAN REVIEW – PROJECT #1143, PLUM CREEK APARTMENTS, S.B.L. #116.05-1-3 LOCATED AT 5680 BROADWAY. CONSTRUCTION OF A NEW 106'X61.33' MULTI-DWELLING STRUCTURE CONTAINING 4 APARTMENT UNITS AND A FULL BASEMENT FOR PARKING OF 8 VEHICLES.

Jasen Havens and Frank Trybuskiewicz presented plans of the apartments. Member Anderson noted that if any part of the building is in the flood plain, then the entire building is considered to be in the flood plain. The FEMA map is the guideline. The cost of insuring the building would be a determining factor. Town Engineer Schiller has not received an engineering report.

DETERMINATION

A motion was made by Chair Connelly to table the project to a future meeting. Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas- Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

SITE PLAN REVIEW – PROJECT #3001, SOIL RECYCLING FACILITY, S.B.L. #95.00-1-1, LOCATED AT 6125 GENESEE STREET. A NYSDEC REGISTERED RESTRICTED OR LIMITED USE FILL (AS DEFINED IN NYCRR PART 360.13) SOIL RECYCLING FACILITY, WHICH WILL ACCEPT EXCESS CONSTRUCTION SOILS AND RE-PURPOSE THEM FOR USE AS FILL MATERIAL AT OFF-SITE LOCATIONS.

John Battaglia @ EnSol, Inc. summarized the plan for the facility. A bond will be posted for cleaning up the site upon closure. A Special Use Permit will be required. The Board noted that the location is good as it uses a small portion of the entire parcel and nobody is near.

DETERMINATION

A motion was made by Rebecca Anderson to approve the site plan. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas- Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

SITE PLAN REVIEW- PROJECT #8944, 4781 Transit Rd. Mixed-Use Developemnt, S.B.L. #126.01-1-8.2, REDEVELOP 8,000 SQ FT OF RETAIL, 14 APARTMENT UNITS AND A SEPARATE BUILDING WITH A BANK AND DRIVE THRU. RETAIL/APARTMENT TO BE 3 STORIES AND 45' HIGH.

The site has been previously recommended for a rezone by the Planning Board and received a negative declaration upon SEQR. The Town Board does not wish to act on the rezone until the Planning Board has also recommended approval of the site plan. Ari Goldberg and Anthony Pandolfe presented the plan. A height variance would be needed. There is currently a reciprocal access agreement. Parking spaces from the north side would be used for snow storage. Mr Pandolfe stated that snow could be hauled out if the amount of storage is not adequate. A setback variance will be required. Town Engineer Schiller stated that the NYS DOT will support the town in closing the north driveway, which

ostensibly will improve Transit Road access management. The developer contends that they would agree to have the north driveway right out only, but its closing would cause them to lose the bank customer that they have already procured, and it creates an unsafe condition as the closest access point would be 235' from the main entrance of the residential units. Furthermore, they disagree that the Access Management Overlay District in Town Code 400-27 requires removal of an existing driveway. Code Enforcement Officer Matt Fischione disagrees with that assessment. The Planning Board mentioned that elimination of the north driveway was a factor in approving both the SEQR and the rezone. Knauf Shaw, representing Transit Rd. Acquisitions, contends that the project will obscure the view of the shopping center. They would like the building to be rotated 90 degrees, but the developer says this is not a viable option. Transit Rd. Acquisitions also believes that the project is not consistent with the Comprehensive Plan. There appears to have been no progress or compromise in negotiations between these two parties. Since the latest documents were received late this afternoon (3/02/22), further study of the project will be necessary.

DETERMINATION

A motion was made by Chair Connelly to table the project. Motion seconded by Lawrence Korzeniewski. Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Absent

Joseph Keefe-Yes

Anthony Gorski-Yes

Motion carried.

AMENDED SITE PLAN REVIEW – PROJECT #2135, ANDERSON'S FROZEN CUSTARD, S.B.L. #126.05-1-1.2, LOCATED AT 4855 TRANSIT ROAD. INTERIOR RENOVATION OF THE EXISTING RESTAURANT, ADDITION OF A DRIVE-THRU LANE, MODIFICATION OF EXISTING OUTDOOR PATIO SPACE WHICH WILL BE PARTIALLY COVERED AND THE MODIFICATION OF THEIR EXISTING PARKING LOT IN ORDER TO ACCOMMODATE ALL WORK PROPOSED. THIS WILL ALLOW THE EXISTING RESTAURANT TO EXPAND THEIR EXISTING BUSINESS OPERATION AND BETTER SERVE THEIR CUSTOMERS IN THE COMMUNITY.

Dave Sutton of Sutton Architect presented the plan that would not change the existing footprint and there would be no increase in impervious surface. There would be an updated look to relocate the outdoor seating area. Landscaping will be replaced and adjusted. There would be no changes to existing drainage. There is a shared agreement with adjacent retailers with access to Transit Rd. There is a concern from residents in the area that this project could exacerbate an already difficult situation in terms of turning out of Michael Anthony Lane onto Transit Road, especially a left turn. Code Enforcement Officer Fischione said that although this is definitely not a minor project, it would have no impact on Transit Rd. He also stated that the project has stalled due to the applicant not submitting the necessary documentation in a timely fashion and that he has no authority to expedite the process in conflict with the code, nor does the Planning Board. There still needs to be a SEQR which could be held on March 16, 2022, provided other outstanding issues have been resolved.

DETERMINATION

A motion was made by Chair Connelly to table the project to a future meeting. Motion seconded by Stanley Keysa.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

John Copas-Absent

Anthony Gorski-Yes

Motion carried.

Lawrence Korzeniewski-Yes

Joseph Keefe-Yes

Motion made by Chair Connelly at 9:14p.m. and seconded by Joseph Keefe to adjourn the meeting.

Motion carried.